

## **Appendix A: Initial Study/Notice of Preparation and Comment Letters**

## **A.1 - FINAL NOTICE OF PREPARATION AND INITIAL STUDY**



# CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

**DATE:** May 22, 2008

**TO:** Interested Parties (see distribution list)

**FROM:** City of Newport Beach, Planning Department

**SUBJECT:** **Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting**

## Notice of Preparation

The City of Newport Beach will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the Marina Park project. The City has prepared an Initial Study that provides a detailed project description and evaluation of the potential environmental effects of the proposed project. The Initial Study is available for review at the following locations:

City of Newport Beach, Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915  
Telephone: 949.644.3225

Balboa Branch Library  
100 E Balboa Blvd.  
Newport Beach, CA 92661  
Telephone: 949.717.3800

The City of Newport Beach as the project proponent requests approval of a Harbor Permit, Use Permit, Parcel Map, Stormwater Pollution Prevention Plan, Demolition Permit, and Modification Permit for the construction of the Marina Park project. The subject property is an approximate 10-acre site situated along West Balboa Boulevard between 15th street and 19th street. The proposed project consists of a public park and beach, a public short-term visiting vessel marina, improved parking lots, tennis courts, half-court basketball courts, the Neva B. Thomas Girl Scout House, and the Balboa/Sailing center which includes a restaurant, support offices, and classrooms.

If you would like to submit written comments on the Notice of Preparation, please send them to the City of Newport Beach at the address shown below. Please be specific in your statements describing your environmental concerns. Due to the time limits mandated by State law, your written response must be sent at the earliest possible date, but not later than 30 days from the date of this notice, May 22, 2008.

**Project Title:** Marina Park

**Project Applicant:** The City of Newport Beach

**Send Responses to:** Rosalinh Ung, Associate Planner  
Planning Department, Community and Economic Development  
City of Newport Beach  
3300 Newport Boulevard  
P.O. Box 1768  
Newport Beach, CA 92658-8915  
Telephone: 949.644.3208

## Notice Public Scoping Meeting

The City of Newport Beach as the Lead Agency for the Marina Park project, discussed above, has scheduled a public scoping meeting on Thursday, June 12 at 6:30 p.m. at the City of Newport Beach City Council Chambers located at 3300 Newport Beach Boulevard, Newport Beach. The purpose of the public scoping meeting is to offer an opportunity for interested parties to provide comments regarding the environmental issues that are proposed to be addressed within the EIR for the project.



# **Initial Study for Marina Park**

Prepared for:

**City of Newport Beach**  
Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915  
949.644.3208

Contact: Rosalinh Ung, Associate Planner

Prepared by:

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220 Commerce, Suite 200  
Irvine, CA 92602  
714.508.4100

Contact: Michael E. Houlihan, AICP, Manager of  
Environmental Services



May 21, 2008



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## SECTION 1 INTRODUCTION

### 1.1 PURPOSE

The purpose of this Initial Study (IS) is to identify the potential environmental impacts associated with the proposed Marina Park. This IS has been prepared in conformance with the State CEQA Guidelines (Guidelines) that implement the California Environmental Quality Act (CEQA) and the City's Implementation Procedures for CEQA.

The City of Newport Beach has primary responsibility for approval or denial of the proposed project. Accordingly, pursuant to Section 15367 of the Guidelines, the City is the lead agency in the preparation of a project-level Environmental Impact Report (EIR). The City Council of Newport Beach will deliberate the certification of the EIR and approval or denial of the project.

Because the City has determined that an EIR is required for this project, this IS is organized in a manner that:

- Identifies potentially significant impacts that require analysis in the forthcoming project-level EIR;
- Identifies environmental factors that are less than significant or have no impact and therefore will only be described briefly in the EIR; and
- Provides sufficient information to public agencies and other interested parties in formulation of a meaningful written response to the Notice of Preparation in accordance with Section 15082(b) of the Guidelines.

This document is organized into the following sections:

**Section 1 - Introduction.** Describes the project location and its environmental setting, a list of project design features, a detailed project description, a list of project objectives, identification of alternatives proposed for evaluation in the EIR, and intended uses of the EIR.

**Section 2 - Environmental Checklist.** Provides an environmental checklist that identifies the level of impact associated with each environmental issue.

**Section 3 - Discussion of Environmental Evaluation.** Provides a narrative discussion of each environmental issue contained in the environmental checklist.

**Section 4 - Reference Sources.** Provides a list of references used in the preparation of this document.

### 1.2 PROJECT LOCATION

The project is located in the southwestern portion of the City of Newport Beach in Orange County, California as shown on Exhibit 1. The project site encompasses approximately 10 acres and is located along north side West Balboa Boulevard to Newport Bay between 15<sup>th</sup> Street and 18<sup>th</sup>/19<sup>th</sup> Streets (approximately 10 acres) as shown in Exhibit 2. Major arterial access is provided along West Balboa Boulevard with secondary access along 15<sup>th</sup> Street and 18<sup>th</sup> Street. Regional freeway access to

the site is provided by the Costa Mesa Freeway (SR 55) and the San Joaquin Hills Transportation Corridor (SR 73).

### 1.3 SITE HISTORY

Historically, the approximately 10-acre project site has been comprised of the Marina Park mobile home park, a public beach and Las Arenas Park. The Marina Park mobile home park is an approximately 45-year old facility with approximately 15 full-time residents and 42 part-time tenants. Las Arenas Park consists of a metered public parking lot with 21 stalls, a City of Newport Beach Balboa Community Center, the Neva B. Thomas Girl Scout House, four public tennis courts, a children's play area, and the public beach located in front of the mobile home park and existing residents between the American Legion marina and 19<sup>th</sup> street. The existing public restroom on the public beach at 19<sup>th</sup> street is also part of the project site.

### 1.4 ENVIRONMENTAL SETTING

The existing site encompasses 10 acres and is built-up in nature with residential (i.e., mobile homes) community service (e.g., community center, public tennis courts, beach access, etc.), and surface parking lot uses. The 10-acre site is bordered on the east by an asphalt parking lot, the American Legion Post 291, residential and commercial uses, and 15<sup>th</sup> Street, to the south by West Balboa Boulevard and residential uses, and to the west by 18<sup>th</sup> Street, a hotel and residential uses, and 19<sup>th</sup> Street along the public beach.

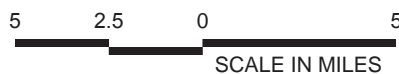
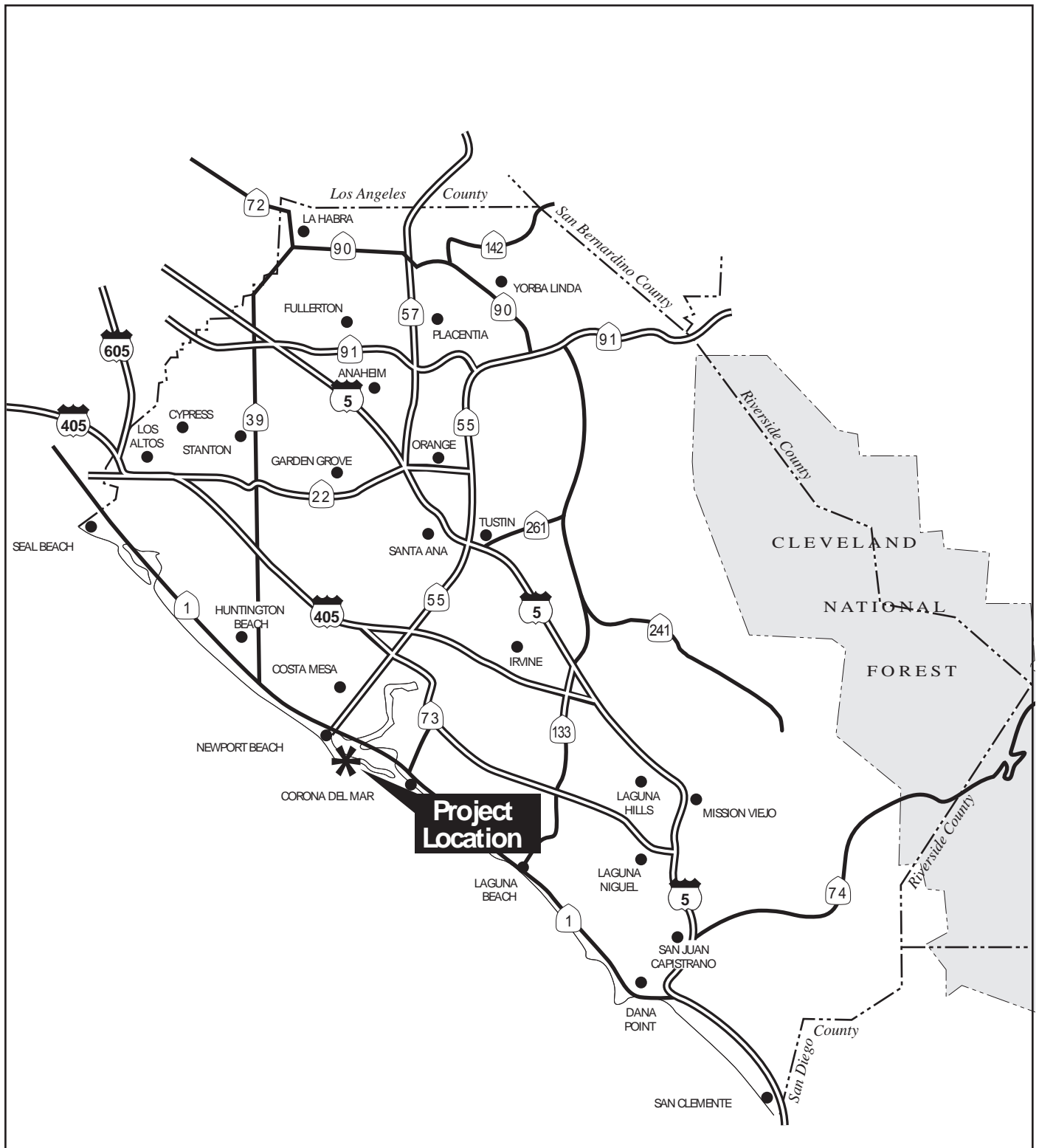
### 1.5 PROJECT DESCRIPTION

This IS evaluates the development of the proposed Marina Park on an approximate 10-acre site situated along West Balboa Boulevard between 15<sup>th</sup> Street and 19<sup>th</sup> Street as shown in Exhibit 3. The project includes a public park and beach, a public short-term visiting vessel marina, the Balboa/Sailing Center which includes a restaurant and tennis courts. The project provides a "Window on the Bay" from Balboa Boulevard.

The public park will provide for passive and active areas. The passive area will include an open lawn area and a water feature. The active areas will include a children's play area and a half-court basketball court. The public short-term visiting vessel marina is proposed to accommodate visiting vessels for up to 30 days. Utility hook-ups are proposed to be available for the marina. Bathrooms and laundry areas are proposed adjacent to the marina. The Balboa/Sailing Center will include rooms for educational classes as well as community events. A restaurant will be located on top of the Balboa/Sailing center and will include areas for marina rentals as well as room for sailing classes. There are two tennis courts proposed on the eastern portion of the site adjacent to 15<sup>th</sup> Street. In addition, an existing bathroom on the public beach adjacent to 19<sup>th</sup> Street is proposed to be renovated or reconstructed but the size of the bathroom facility would remain the same.

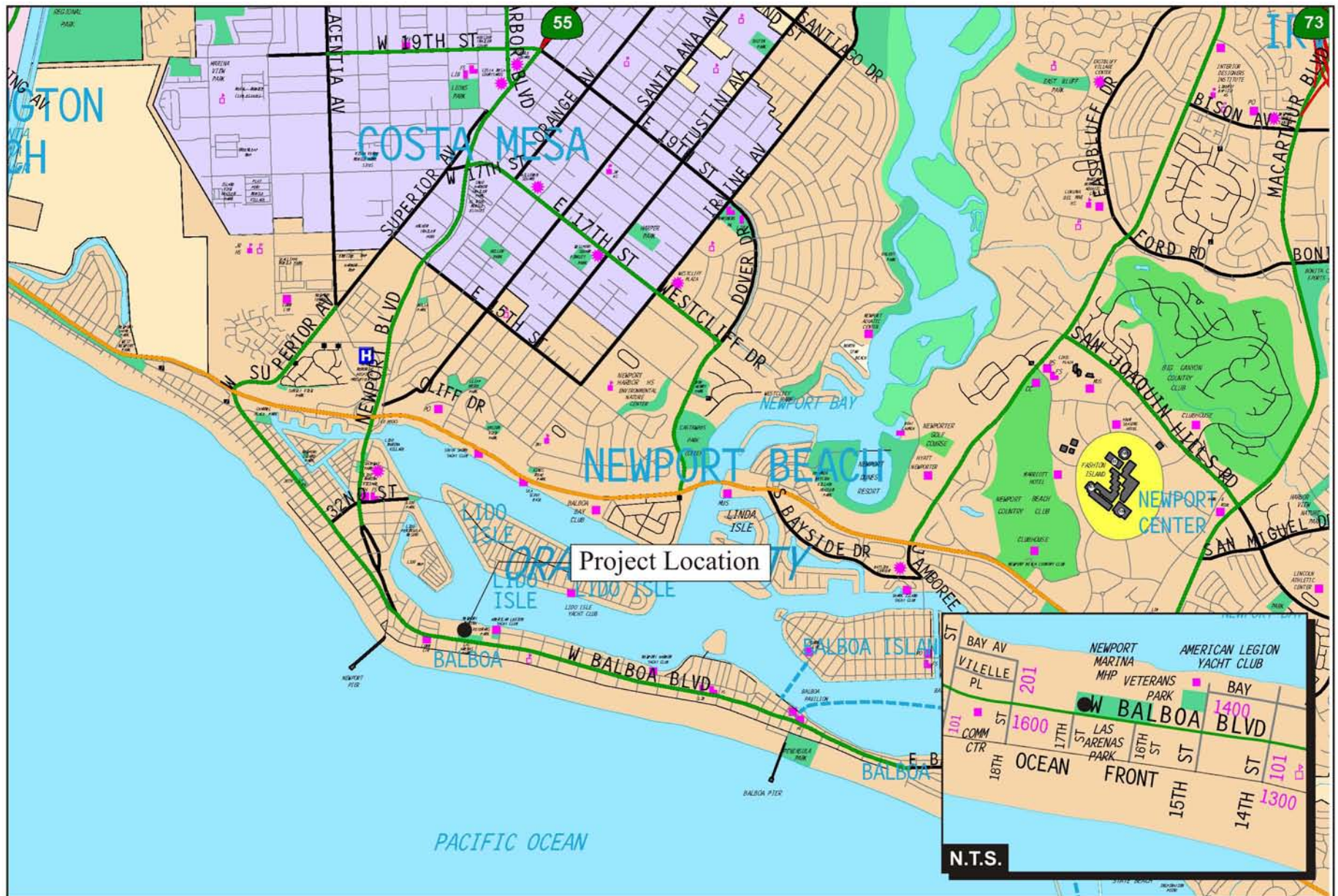
The implementation of the Marina Park will require removal of the existing mobile home park and existing community facilities. These existing facilities include the Balboa Community Center, Neva B. Thomas Girl Scout House, a children's play area, four tennis courts, and one basketball court.

Primary access to the project will be via West Balboa Boulevard at 17<sup>th</sup> Street and secondary access will be via a controlled exit/entrance off of 15<sup>th</sup> Street. Public access to the beach will be provided by walkways within the proposed park as well as an access provided along the western side of the proposed marina. Furthermore, 18<sup>th</sup> and 19<sup>th</sup> Streets will still provide access to the public beach.



## Exhibit 1 Regional Location Map



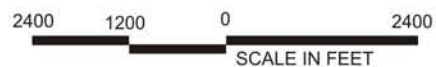


Source: Thomas Guide Digital Edition, 2003.



Michael Brandman Associates

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## Exhibit 2 Local Vicinity Map

MARINA PARK • IS/NOP







Source: Rabben/Herman Design office.



NOT TO SCALE

Michael Brandman Associates

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Exhibit 3  
Site Plan

MARINA PARK • IS/NOP





The project proposes the following discretionary approvals:

### City of Newport Beach

- Coastal Harbor Activities Permit and/or Harbor Permit
- Use Permit
- Parcel Map
- Demolition Permits
- Modification Permit

### Responsible Agencies

Responsible agencies for the project have discretionary authority over the following:

California Coastal Commission .....	Coastal Development Permit
Regional Water Quality Control Board .....	Section 401 Certification
	General Construction Activity Storm Water Permit
California Department of Fish and Game .....	Section 1602 Agreement

### Other Agencies

Other required permits include the following:

U.S. Army Corps of Engineers .....	Section 404 Permit
	Section 10 Permit
National Marine Fisheries Service .....	Essential Fish Habitat

## 1.6 ALTERNATIVES TO THE PROPOSED ACTION

The EIR will analyze a range of reasonable alternatives to the proposed project. Each alternative will be described and analyzed to determine if it can reasonably attain the identified objectives of the proposed project. The analysis will focus on whether the alternatives are capable of eliminating or reducing to a level of insignificance any significant adverse environmental impact of the proposed project. A comparison of the alternatives will also be provided in tabular format. The EIR could analyze the following alternatives including, but not limited to:

- **Alternative 1 - No Project/No Development Alternative.** This mandatory alternative evaluates the potential impacts of not approving the proposed project. Alternative 1 assumes continuation of existing uses remaining on the project site.
- **Alternative 2 - Reduced Marina Alternative.** This alternative evaluates the potential impacts of reducing the size of the marina as well as the number of vessel ships.
- **Alternative 3 - No Marina Alternative.** This alternative evaluates the potential impacts of eliminating the marina but implementing the Sailing Center docks.

## 1.7 ENVIRONMENTAL DETERMINATION

Through the preparation of this IS, the City has determined that the proposed project may have a significant impact on the environment and that a project-level EIR (Guidelines' Section 15161) will be prepared in compliance with Section 15120 of the Guidelines. The preliminary scope and content of the EIR have been determined based on the results of this IS and information obtained the City. The scope and content will be further evaluated based on input received from public agencies and interested members of the public during the 30-day Notice of Preparation (NOP) comment period.

### 1.7.1 Effects Not Found To Be Significant

The City has determined that the potential effects to the environment in the following environmental issue categories are less than significant or of no impact and, therefore, will only be described briefly in the EIR, in accordance with Section 15128 of the Guidelines. These issues are:

- Agricultural Resources
- Mineral Resources
- Population and Housing
- Recreation

### 1.7.2 Effects Found To Be Potentially Significant

Through the preparation of this IS, the City has determined that the proposed project has the potential to result in potentially significant impacts on the environment. The EIR prepared for the proposed project will analyze all impacts associated with the following environmental issues:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation/Traffic
- Utilities/Service Systems

## 1.8 INTENDED USES OF THIS DOCUMENT

This IS document has been prepared to determine the appropriate scope and level of detail required in completing the environmental analysis for the proposed project. This document will also serve as a basis for soliciting comments and input from public agencies and interested members of the public regarding the proposed project, following the distribution of the NOP of the EIR. The NOP will be circulated for a total of 30 days, during which written comments regarding the forthcoming EIR for the proposed project are invited to be sent to:

City of Newport Beach  
Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915  
Attn: Rosalinh Ung, Associate Planner

## SECTION 2 ENVIRONMENTAL CHECKLIST FORM

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. Aesthetics</b> - Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>II. Agriculture Resources</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>III. Air Quality</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>IV. Biological Resources - Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. Cultural Resources - Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VI. Geology and Soils - Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VII. Hazards and Hazardous Materials - Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>VIII Hydrology and Water Quality - Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Result in significant alteration of receiving water quality during or following construction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Create significant increases in erosion of the project site or surrounding areas?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>IX. Land Use and Planning - Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>X. Mineral Resources - Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XI. Noise - Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. Population and Housing</b> - Would the project:				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XIII. Public Services</b> - Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>XIV. Recreation:</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. Transportation/Traffic - Would the project:</b>				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>XVI. Utilities and Service Systems - Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Would the project include a new or retrofitted stormwater treatment control Best Management Practice (BMP), (e.g., water quality treatment basin, constructed treatment wetland), the operation of which could result in significant environmental effects (e.g., increased vectors and odors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>XVII. Mandatory Findings of Significance:</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

Environmental Factors That Could Result in a Potentially Significant Impact		
The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a “potentially significant impact” as indicated by the preceding checklist and supported by evidence provided in Section 3.		
<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Geology/Soils
<input checked="" type="checkbox"/> Hazards & Hazardous Materials	<input checked="" type="checkbox"/> Hydrology/Water Quality	<input checked="" type="checkbox"/> Land Use/Planning
<input type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing
<input checked="" type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/> Transportation/Traffic
<input checked="" type="checkbox"/> Utilities/Service Systems	<input checked="" type="checkbox"/> Mandatory Findings of Significance	

**Environmental Determination**

On the basis of this initial evaluation (To be completed by the Lead Agency.):

- ☐ I find that the proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared.
- ☒ I find that the proposed project MAY have a significant effect on the environment, and an Environmental Impact Report is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An Environmental Impact Report is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signed Michael E. Hauke

Date May 21, 2008

## SECTION 3

### DISCUSSION OF ENVIRONMENTAL EVALUATION

#### ENVIRONMENTAL CHECKLIST RESPONSES

The following Initial Study Environmental Checklist responses discuss and briefly analyze the potential impacts resulting from the proposed project.

#### I. AESTHETICS

##### Existing Conditions

Presently, the project site is developed with a mobile home park, and Las Arenas Park, which includes a metered 21-stall parking lot, Balboa Community Center/Girl Scouts House, four public tennis courts, a children's play area, and a public restroom. The site is adjacent to Newport Bay, which fronts the property's northern perimeter. Minimal vegetation is present onsite, with the exception of some non-native, ornamental landscaping and a row of palm trees that line the boardwalk adjacent to the public beach situated along the beach front portion of the project. Site topography is relatively flat with little or no variation.

##### Environmental Checklist Responses

- a) *Have a substantial adverse effect on a scenic vista.*

**Potentially Significant Impact.** View corridors to Newport Bay from public rights-of-way adjoining the project site are obstructed by existing improvements on the site. Development consistent with the proposed project would provide enhanced views from public rights-of-way (i.e., Balboa Boulevard) to the bay. The proposed marina will extend within 100-feet of Balboa Boulevard which will create a dramatic visual element on the streetscape. Furthermore, the project includes structures with greater heights compared to the existing onsite structures. A visual evaluation will be conducted and impacts on the view corridors will be evaluated.

- b) *Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway?*

**No Impact.** The proposed project is not located within the viewshed area of any State scenic highway. Therefore, no scenic resources within a state scenic highway would be visually affected with the development of the proposed project.

- c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

**Less Than Significant Impact.** The transformation of the project site from its current land uses to the proposed public park facilities will change the overall visual character of the site and its surroundings. Currently, views of the Newport Bay from Balboa Boulevard are obstructed by various uses at Las Arenas Park and the mobile home park. With the implementation of the proposed project, views of Newport Bay will be enhanced in many areas and provide the public with a "Window on the Bay" from Balboa Boulevard.

- d) *Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*

**Potentially Significant Impact.** Presently, the project site is developed with urban uses that contribute to nighttime illumination within the project area. Existing lighting sources include security lighting at Las Arenas Park and residential lighting from the mobile home park and traffic. With the proposed project, nighttime illumination from residential uses will be eliminated. However, additional security lighting within the project along with the interior and exterior lighting from the Balboa/Sailing Center may increase light and glare at night. The potential impact of nighttime lighting will be analyzed in the EIR.

## II. AGRICULTURAL RESOURCES

### Existing Conditions

The project site and surrounding areas are highly developed with urban uses. There are no agricultural lands within the vicinity of the proposed project.

### Environmental Checklist Responses

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.*
- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c) *Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

**No Impact (a - c).** The project site and the surrounding area are not zoned for agricultural uses, are not currently in agricultural use or subject to a Williamson Act contract. Therefore, the proposed project does not involve any significant changes to the environment that will result in the conversion of farmland to non-agricultural uses. No impacts will occur and no mitigation is required.

## III. AIR QUALITY

### Existing Conditions

#### *Regional Setting*

The project site is located within the South Coast Air Basin (SCAB), which is the jurisdictional responsibility of the South Coast Air Quality Management District (SCAQMD) and to a lesser extent the California Air Resources Board (CARB).

Like most of Southern California, the climate within the project area is strongly influenced by the strength and location of a semi-permanent, subtropical high-pressure cell that is located over the Pacific Ocean.



Locally, the wind speeds are considered to be very low, which result in a limited capacity to horizontally disperse air contaminants. The dominant daily wind pattern is an onshore 8 to 12 miles per hour (mph) daytime breeze and an offshore 3 to 5 mph nighttime breeze. The typical wind flow pattern only fluctuates occasionally during winter storms or when Santa Ana winds occur. During the summer, pollutant accumulation is intensified due to the high temperatures and increased sunlight, which results in ozone formation and inversions, which do not allow for the dispersal of air contaminants. During the winter, ground inversions are severe, especially on cold and clear mornings.

The SCAB is currently in nonattainment of criteria pollutants. The basin is designated as nonattainment for the state and national PM<sub>2.5</sub> standard. The basin is designated as nonattainment for the state and serious nonattainment for the national PM<sub>10</sub> standard. Furthermore, the basin is in nonattainment for the state ozone 1-hour standard and is in severe nonattainment for the national 8-hour ozone standard.

### Local Setting

Overall, Orange County retains a higher level of air quality than the rest of the SCAB, with the exception of when the area experiences Santa Ana winds. Generally, on-site conditions do not contribute to air pollution; however, on-site soil stockpiling may potentially contribute to airborne dust during high winds if no precautions are exercised.

### Environmental Checklist Responses

- a) *Conflict with or obstruct implementation of an applicable air quality plan.*

**Potentially Significant Impact.** The emissions associated with construction and operation of the proposed project may obstruct the implementation of the applicable Air Quality Attainment Plan (AQAP). As for short-term impacts, fugitive particulate emissions are expected to occur during construction. Fugitive construction emissions have the potential to cause a significant impact on air quality. Actual emissions would depend on the level of activity and duration and the type of dust control measures being used. The short-term project-level and cumulative effects of this project on air quality and its compliance with the AQAP will require further review in the EIR.

As for long term air quality impacts, such as vehicle emissions, an air quality analysis will be prepared for the proposed project. The project-level and cumulative effects of the project on air quality and its compliance with the AQAP will be further evaluated in the EIR.

- b) *Violate any air quality standard or contribute to an existing or projected air quality violation?*

**Potentially Significant Impact.** The emissions associated with construction and operation of the proposed project may obstruct the implementation of the applicable Air Quality Attainment Plan (AQAP). As for short-term impacts, fugitive particulate emissions are expected to occur during construction. Fugitive construction emissions have the potential to cause a significant impact on air quality. Actual emissions would depend on the level of activity and duration and the type of dust control measures being used. The short-term project-level and cumulative effects of this

project on air quality and its compliance with the AQAP will require further review in the EIR.

As for long term air quality impacts, such as vehicle emissions, an air quality analysis will be prepared for the proposed project. The project-level and cumulative effects of the project on air quality and its compliance with the AQAP will be further evaluated in the EIR.

- c) *Result in cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?*

**Potentially Significant Impact.** The SCAB is designated as being in nonattainment by both federal and state standards for PM<sub>2.5</sub>, PM<sub>10</sub>, and ozone. The SCAB is designated as being in attainment for all other federal and state emissions standards for criteria pollutants. The project will increase the level of pollutants (ROG, NO<sub>x</sub>, and particulates), and the increase may be cumulatively considerable. The cumulative air quality effects will be further evaluated in the EIR.

- d) *Expose sensitive receptors to substantial pollutant concentrations?*

**Potentially Significant Impact.** Construction and operation of the project site has the potential to generate significant air quality impacts. Project implementation will result in the generation of air pollutants during both short-term and long-term. There are residential land uses located to the south and west of the proposed project. Moreover, the project encompasses a public beach. There is the potential for sensitive receptors to be exposed to substantial pollutant concentrations, especially during the short-term construction period. Further analysis will be provided in the EIR.

- e) *Create an objectionable odor affecting a substantial number of people?*

**Potentially Significant Impact.** The proposed marina and restaurant may have the potential for creating odors in the long-term. In addition, construction activities will involve the use of diesel-operated machinery. The use of diesel may produce odors that may affect adjacent residents. Potential odor effects will be further evaluated in the EIR.

## IV. BIOLOGICAL RESOURCES

### Existing Conditions

The project site itself is located within a highly developed area of the City of Newport Beach and currently supports urbanized uses, including a 57-space mobile home park and associated parking, a metered 21-stall surface parking lot, and Las Arenas Park, which includes the Balboa Community Center/Girl Scouts House, a children's play area and four public tennis courts. Little vegetation is present onsite, with the exception of some non-native, ornamental landscaping and a row of palm trees that line the boardwalk adjacent to the public beach located along the north portion of the site. However, the project site is directly adjacent to Newport Bay, which supports fish nursery habitat or marine resources (plants, invertebrates, fishes, marine mammals, seabirds, federally listed and State-listed marine associated species and sensitive habitats).

## Environmental Checklist Responses

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?*
- c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through the direct removal, filling, hydrological interruption, or other means?*

**Potentially Significant Impact (a-c).** The proposed project will result in the development of a new marina and public facilities. Fish nursery habitats and marine resources (plants, invertebrates, fishes, marine mammals, seabirds, federally listed and State-listed marine associated species and sensitive habitats) will be affected as a result of dredging the portion of the marina proposed in Newport Bay. The EIR will include the preparation of a Marine Resources Assessment (MRA). The MRA will include a review of available marine biological data for the local area and a site survey. Potential impacts to marine biological resources and the surrounding marine environment will be analyzed and where impacts are identified, mitigation measures will be recommended as appropriate.

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Potentially Significant Impact.** The project site is located in a highly urban area and the site itself is developed with a mobile home park and community service type land uses. There are no migratory corridors within the project area. However, there may be habitat that would support nursery sites for native resident or migratory fish. Therefore, significant impacts related to wildlife movement may occur. The Marine Resources Assessment will address these impacts and provide mitigation measures, as appropriate.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?*

**No Impact.** There are no locally protected biological resources on the project site. Therefore impacts to these resources are not anticipated as a result of the proposed project and no mitigation measures are required.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

**No Impact.** The project site is not located within the Natural Community Conservation Plan (NCCP). The NCCP has been developed to protect diversity of

natural wildlife within Orange County. The proposed project will not conflict with the NCCP. Implementation of the proposed project will not result in impacts and no mitigation measures are required.

## V. CULTURAL RESOURCES

### Existing Conditions

The project site is highly developed with urban uses including a 57-space mobile home park and Las Arenas Park, which includes a metered 21-stall parking lot, the Balboa Community Center/Girl Scouts House, four public tennis courts, and a children's play area. MBA conducted a cultural resources record search for the project site at the South Central Coastal Information Center which is located at the California State University, Fullerton and reviewed the 1992 Ad Hoc Historic Preservation Advisory Committee Historic Resource Inventory (HRI) for the City of Newport Beach. The record search and HRI indicated there are no known cultural resources located on or directly adjacent to the project site. Therefore, the prehistoric and historic sensitivity of the area is considered to be low. The project site also contains the geologic Topanga Formation and Pleistocene terraces, which have potential for high paleontologic sensitivity.

### Environmental Checklist Responses

- a) *Cause a substantial change in the significance of a historical resource as defined in Section §15604.5?*

**Potentially Significant Impact.** It is unknown if historical resources are located on the project site. Therefore, potential historical resources impacts will be further evaluated in the EIR.

- b) *Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?*

**Potentially Significant Impact.** Based on the record search, no known cultural resources are located on or directly adjacent to the project site. There is a potential for unknown cultural resources; therefore, these effects will be further evaluated in the EIR.

- c) *Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?*

**Potentially Significant Impact.** Based on the project site containing the geologic Topanga Formation and Pleistocene terraces, there is a potential for paleontological resources to be affected. Therefore, these potential impacts to paleontological resources will be further evaluated in the EIR

- d) *Disturb any human remains, including those interred outside formal cemeteries?*

**Less Than Significant Impact.** No remains are known to be present on site. The project site has been previously graded. In the event that unknown remains are discovered on the project site, the proposed project will be in compliance with the State Health and Safety Code 7050.5, as required and cited below:

If human remains are encountered, the state Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the county coroner has made a determination of the origin and disposition pursuant to Public Resources Code 5097.98. The county coroner must be notified immediately of the find. If the remains are determined to be prehistoric, the coroner is required to notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the owner of the land or his/her authorized representative, the descendant may inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification of the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

## VI. GEOLOGY AND SOILS

### Existing Conditions

Southern California is a seismically active area. The five major fault zones within the project area that are considered to be active are: the San Andreas fault; the San Jacinto fault; the Sierra Madre/Cucamonga/San Fernando fault system; the Whittier/Elsinore fault system; and the Newport-Inglewood fault. All of these faults are capable of generating earthquakes up to a magnitude of 7.0. The City of Newport Beach, including the project site, is located along the southwesterly edge of the Los Angeles basin. The underlying geology of the project site consists of sandstone and siltstone of the Topanga formation and terraced deposits. The project site is not located within a currently designated Aliquist-Priolo Earthquake Fault zone.

The primary seismic hazard affecting the project will be groundshaking from a regional seismic event (earthquake) along a known active fault in the Southern California area. Groundshaking is the primary cause of structural damage during an earthquake. The duration and frequency of ground shaking will vary depending on the distance to the epicenter, the depth of shock, and magnitude of the earthquake. The nearest active fault is the Newport-Inglewood Fault.

### Environmental Checklist Responses

- a) *Expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving:*
  - i) *Rupture of known earthquake fault, as delineated on the most recent Aliquist-Priolo Earthquake Fault Zone Map issued by the State Geologist for the area of based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

**Less Than Significant Impact.** The project site is not located within a currently designated Aliquist-Priolo Earthquake Fault Zone. Therefore, the potential for fault rupture on the site is considered less than significant. A geotechnical report addressing this issue will be prepared for the project, which will be summarized in the EIR and included in its entirety as an appendix to the document.

*ii) Strong Seismic Shaking?*

**Potentially Significant Impact.** The proposed project is likely to be exposed to strong seismic shaking during its lifetime. The severity of the groundshaking will depend upon the distance to the epicenter, the depth of shock, and the magnitude of the earthquake. A geotechnical report addressing this issue of strong seismic shaking will be prepared for the proposed project, which will be summarized in the EIR and included in its entirety as an appendix to the document. As appropriate, mitigation measures will be recommended.

*iii) Seismic related ground failure, including liquefaction?*

**Potentially Significant Impact.** According to the City of Newport Beach the project site is located in an area that is susceptible to liquefaction. However, the General Plan does not identify the project site as an area unacceptable for development. Engineering design standards, including adherence to the Uniform Building Code, as required, generally can reduce project related liquefaction impacts. A geotechnical report, addressing seismic related ground failure, will be prepared for the proposed project, which will be summarized in the EIR and included in its entirety as an appendix to the document. Mitigation measures will be recommended, as appropriate.

*iv) Landslides?*

**No Impact.** The project site is relatively flat and there is minimal topographic variation throughout the development envelope. The potential for landslides is considered to be low. Therefore, no impacts would occur and no mitigation measures are required.

*b) Result in substantial soil erosion or the loss of topsoil?*

**Less Than Significant Impact.** The project site will require excavation and dredging for the proposed marina. The proposed project will be implemented in accordance with the provisions of the City Excavation and Grading Code, as well as the Development Project Guidance requirements of Chapter 14.36 of the Municipal Code to safeguard against soil erosion and loss of topsoil. Furthermore, the proposed project will implement Best Management Practices (i.e., use of sand bags, hydroseeding of graded pads, installation of landscaping after completion of grading, etc.) during construction activities. Therefore, impacts related to soil erosion would be less than significant.

*c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction, or collapse?**d) Be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.*

**Potentially Significant Impact (c and d).** The site is located in an area that is considered to be susceptible to liquefaction. Additionally, due to the site's proximity to Newport Bay, there is the potential of the lateral spreading of soils towards the water which can create a risk to property. A geotechnical report, which will address

unstable and expansive soils, will be prepared for the proposed project and be summarized in the EIR. The report will be included in its entirety as an appendix to the document. As appropriate, mitigation measures will be recommended.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wasted disposal systems where sewers are not available for the disposal of waste water?*

**No Impact.** The project site will not utilize septic tanks or alternative waste water disposal systems. Therefore, no impacts to soils from alternative wastewater disposal systems will result from the proposed project and no mitigation measures are required.

## VII. HAZARDS AND HAZARDOUS MATERIALS

### Existing Conditions

The project site is developed with a mobile home park, the Balboa Community Center/Girl Scouts facility, four tennis courts, and a children's play area. Such land uses are not typical generators of hazardous wastes or materials.

### Environmental Checklist Responses

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*

**No Impact.** The proposed project will not utilize or dispose of any hazardous materials of reportable quantities in its typical operations. Substances for landscaping, such as fertilizers and pesticides, will be subject to all applicable regulations. No impacts will occur and no mitigation measures are required.

- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

**Potentially Significant Impact.** Project construction consists of extensive excavation for the marina. The remaining areas will involve limited grading and trenching. These construction activities involve typical construction methods and equipment onsite for a relatively limited and short duration. Construction equipment will include diesel and gasoline powered engines. A very small (incalculable) risk is present from gasoline or diesel tank rupture. However, compliance with construction site safety regulations limits the risk of upset to less than significant levels. Also, because of the limited and short duration of these activities, there is minimal risk of spillage. In addition, operation of the proposed marina may result in a potential health hazard if a spill from a vessel into the bay occurs. This potential will be further evaluated in the EIR.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**Potentially Significant Impact.** The proposed project is located within one-quarter mile of Newport Elementary School. An inventory of materials to be used in construction or operation of the project will be developed. Any material identified as inherently hazardous or hazardous as a result of the quantity to be handled on the project site will be identified and appropriate mitigation measures defined.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**Potentially Significant Impact.** Past or present uses either onsite or within the surrounding area also have the potential to result in hazardous materials impacts through the release and/or migration of toxic substances. Moreover, project implementation will require the removal of onsite structures, which depending on date of construction may contain lead or asbestos materials. A regulatory database review will be conducted for the proposed project, results of the database review will be summarized in the EIR and the review results will be included in their entirety as an appendix to the document. Mitigation measures will be recommended, as appropriate.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*
- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

**No Impact (e-f).** The proposed project is not located within an airport land use plan, within two miles of a public or public use airport, or private airstrip. Therefore, no impacts related to this issue will result from the proposed project and no mitigation measures are required.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** Access to the peninsula is primarily obtained via Newport and Balboa Boulevards, and the project site is situated on Balboa Boulevard. The proposed project will not constrict access or result in modifications to Balboa or Newport Boulevards. The proposed project will not alter emergency access to surrounding uses and onsite emergency access will be provided via the onsite circulation system. The onsite circulation system has been designed to accommodate emergency vehicles (i.e., turning radii, etc). Therefore, no impacts would occur and no mitigation measures are required.



- h) *Expose people or structures to a significant loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.*

**No Impact.** The proposed project is located in a highly urbanized area and is surrounded primarily by residential development and Newport Bay. The vicinity of the project site is considered to have a low fire hazard. Fire risk is dependent upon the moisture level in the plants and the presence of incendiary sources. Although fire is a risk for any kind of structure, the proposed project would not be at any greater risk than other uses adjacent to the site. Project design will include emergency fire access routes and the proposed structures will be reviewed by the Newport Beach Fire Department to ensure that the design meets the Fire Department standards including building materials, sprinklers, internal fire walls, access for emergency vehicles, etc. Therefore, the proposed project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. No impacts would occur and no mitigation measures are required.

## VIII. HYDROLOGY AND WATER QUALITY

### Existing Conditions

The proposed project is located on the Balboa Peninsula, which separates the Pacific Ocean from Newport Bay. Newport Bay is comprised of the upper and lower bays. Upper Newport Bay is an estuary that receives drainage from a 150 square mile area of Orange County and Lower Newport Bay is the recreational and commercial harbor, known as Newport Harbor. The project site is relatively flat, generally rectangular in shape and approximately 10 acres in size. The site is primarily built-up in nature with areas of ornamental vegetation.

### Environmental Checklist Responses

- a) *Violate any water quality standards or waste discharge requirements?*
- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?*
- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in flooding on- or off-site?*
- e) *Create or contribute runoff water, which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- f) *Otherwise substantially degrade water quality?*
- k) *Result in significant alteration of receiving water quality during or following construction?*
- l) *Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including*

washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?

- m) *Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?*
- n) *Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?*
- o) *Create significant increases in erosion of the project site or surrounding areas?*

**Potentially Significant Impact (a, c, d-f, and k-o).** Implementation of the proposed project will alter the existing drainage pattern of the site. In the short-term, construction activities may result in siltation and erosion as well as potential fuel oil spills, which could result in a decrease in water quality and an increase in turbidity and sedimentation as it relates to the amount of pollution flowing to Newport Bay and the ocean. The project site is under the jurisdictional responsibility of the Santa Ana Region of the California Water Quality Control Board, a state agency, which regulates discharges into the State's waters. As part of its oversight, the state ensures the project is implemented in accordance with federal water quality requirements during grading and construction. More specifically, the Federal Clean Water Act (Section 402[p]) requires discharges of stormwater associated with industrial and construction activity to be regulated by National Pollutant Discharge Elimination System (NPDES) permits. NPDES compliance requires implementation of Best Management Practices (BMPs) for water quality control. Potential water quality impacts will be further evaluated in the EIR.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

**No Impact.** The project site is developed with urban uses and there are very few permeable surfaces onsite. Conversely, project design incorporates permeable parking lots and a landscape scheme that may result in increasing the amount of rainfall that will infiltrate into the ground and, thus, result in a decrease in stormwater runoff. The proposed project includes substantially more permeable uses than the existing uses. However, the project site is not considered a groundwater recharge area. The project would not require the pumping of groundwater, therefore, the project would not result in a depletion of groundwater supplies or interfere with groundwater recharge.

- g) *Place housing within a 100-year flood hazard as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- h) *Place within a 100-year flood hazard area structures, which would impede or redirect flood flow.*
- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

**No Impact (g-i).** According to the Flood Insurance Rate Maps, the project site is not located within a 100-year flood zone or within a dam inundation area. Therefore, impacts resulting from flooding are not anticipated and will create no flooding impacts.

j) *Inundation by seiche, tsunami, or mudflow?*

**Potentially Significant Impact.** Given the generally flat topography of the project site and the surrounding area, and the distance from the mouth of a canyon stream, the project is not subject to mudflow.

A tsunami is a series of waves that are created in a body of water. Given that the project site is located adjacent to Newport Bay and near the Pacific Ocean, there is a potential for a tsunami. The last tsunami that hit Newport Beach was in 1934. The City has prepared a Tsunami Plan to help the City staff and residents to effectively respond to a tsunami warning. A further discussion of potential tsunami impacts will be provided in the EIR.

## IX. LAND USE AND PLANNING

### Existing Conditions

Presently, the project site is developed with a mobile home park, a public beach, Los Arenas Park and a metered 21-stall parking lot, the Balboa Community Center/Girl Scouts house, four public tennis courts, and a children's play area. A public beach is located to the north of the project site. Primarily residential uses and some commercial uses, including a hotel and American Legion, surround the project site.

### Environmental Checklist Responses

a) *Physically divide an established community?*

**No Impact.** The proposed project will not physically divide an established community. Project implementation will not result in any barriers that would preclude travel throughout the project area. There are residential land uses directly south of West Balboa Boulevard and west of 18<sup>th</sup> Street. The proposed project will significantly enhance horizontal and lateral public access to the beach; thus, no impact related to this issue will result from the proposed project and no mitigation measures are required.

b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

**Potentially Significant Impact.** The project site is currently designated as Recreational Parks and zoned as Planned Community District. The proposed project is also located within the coastal zone and as such is subject to the California Coastal Act. An evaluation of the project's compatibility with existing land uses and environmental plans and policies in the City's General Plan and other applicable

regional plans and policies will be included in the EIR. Mitigation measures will be recommended, as appropriate.

- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

**No Impact.** The proposed project is not located in an area that is designated within a habitat conservation plan or Natural Community Conservation Plan (NCCP). Therefore, project implementation will not conflict with the existing NCCP or any other applicable habitat conservation plans. No impact will occur and no mitigation measures are required.

## X. MINERAL RESOURCES

### Existing Conditions

The proposed project is not utilized for mineral extraction, nor has it been identified by the California Division of Mines and Geology as an important mineral resource zone.

### Environmental Checklist Responses

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

**No Impact.** The City of Newport Beach's General Plan does not identify any known minerals on the project site or within the surrounding area. The project will not result in the loss of a known mineral resource that would be of state, regional, or local value. Therefore, no mineral resource impacts are expected to occur and no mitigation measures are required.

- b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact.** The project site is not delineated as a locally-important resource recovery site in the City's General Plan. Therefore, no impacts in relation to locally important mineral resources will result from the implementation of the proposed project and no mitigation measures are required.

## XI. NOISE

### Existing Conditions

The noise environment within the project area is dominated primarily by vehicle traffic and community activity. Within the project area, there is noise sensitive residential land uses to the south and west and across the Bay to the north on Lido Isle. The City of Newport Beach has established a maximum permissible interior noise level of 45 dBA for noise sensitive land uses. Sensitive land uses typically include residences, parks, churches, schools and hospitals. Traffic along West Balboa Boulevard generates the majority of the ambient noise in the project area. Occasional aircraft overflight and motorcycle drive-bys generate relatively high noise levels, but are not the major noise events in the project area.

## Environmental Checklist Responses

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?*
- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*
- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

**Potentially Significant Impact (a-d).** Sensitive receptors within the project area include the residential land uses to the south, west, and north of the project site. The proposed project will contribute to the ambient noise environment in both the short-term and long-term, which may impact sensitive receptors. In the short-term, typical construction activities such as the operation of bulldozers, front loaders, scrapers, pumps, generators, compressors, etc., will elevate noise levels on the project site and the surrounding areas. In the long-term, project-related vehicular traffic and boat traffic within the marina will contribute to the ambient noise environment. Community noise standards relevant to this project are contained in the City Noise Element and Noise Ordinance. A noise evaluation will be prepared to address potential noise impacts.

The noise impacts associated with the project's vehicular traffic on adjacent land uses will be assessed in terms of the Community Noise Equivalent Level (based upon 24 hours of measurement) noise scale for the without-project and with-project conditions. Areas that will experience a significant noise increase will be identified. Noise associated with the utilization of the proposed recreational facilities and the potential impact on nearby sensitive uses will be evaluated.

Noise levels generated by stationary sources will also be assessed for compatibility with the proposed land uses. Noise levels from stationary sources that potentially impact noise sensitive land uses will be estimated. The City's Noise Ordinance standards will be used to assess impacts. Based upon identification of cumulative noise impacts, the cumulative-plus project noise impacts in the area including mobile as well as any stationary sources of noise, will be evaluated.

- e) *For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

**No Impact.** The proposed project is not located within an area that is regulated by an airport land use plan or within two miles of a public or public use airport. Therefore, impacts due to aircraft noise would not occur and no mitigation measures are required.

- f) *For projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

**No Impact.** The project site is not located with the vicinity of a private airstrip. Therefore, there are no impacts related to this issue and no mitigation measures are required.

## XII. POPULATION AND HOUSING

### Existing Conditions

The Marina Park mobile home park is comprised of 57 mobile homes each situated on a pad, which is rented by the owner of the respective mobile home. Twenty-seven percent of the tenants of the Marina Park mobile home park identify the park as their primary residences. The remaining seventy-three percent of tenants identify their units as vacation homes. There are residential neighborhoods located directly to the south and west of the proposed project.

### Environmental Checklist Responses

- a) *Induce substantial population growth in an area either directly (for example by proposing new homes or businesses) or indirectly (for example through the extension of roads or other infrastructure).*

**Less Than Significant Impact.** The proposed project will generate employment associated with the public facilities; however, this increase is expected to be nominal compared to the approximate 48,000-person labor force within the City of Newport Beach. Due to the minor amount of employees being generated by the proposed project, it is not anticipated that such employment will directly or indirectly induce substantial population growth in the project area, which would require new housing or extension of roads or other infrastructure. Therefore, no significant population growth impacts would occur and no mitigation measures are required.

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

**Less Than Significant Impact (b-c).** The proposed project will result in displacing the tenants of the 57 mobile homes. Seventy-three percent of the mobile home park's tenants are not year-round residents of Newport Beach and utilize their units as vacation homes. According to the City of Newport Beach, mobile homes comprise approximately three percent of the City's housing stock and, currently, there are ten mobile home parks located within the City. In addition, the City of Newport Beach currently has a housing supply of approximately 37,000 units of which approximately four percent are vacant (1,480 units). Although not considered substantial, as defined by CEQA, any displacement of existing housing or people resulting from the proposed project could be adequately served by the existing housing supply within the City. The mobile homes are not considered "affordable housing" for purposes of the City's Housing Element requirements because there are no covenants requiring the spaces to be affordable and no restriction on the incomes

of households occupying them. Consequently, implementation of the proposed project is not considered to result in the displacement of a substantial number of existing housing necessitating the construction of replacement housing.

### **XIII. PUBLIC SERVICES**

#### **Existing Conditions**

The project site is developed primarily with residential and community service-type land uses. Currently, the site requires fire and police services and to a lesser degree schools and park services.

- **Fire Services.** The City of Newport Beach Fire Department currently serves the project site. The Fire Department provides emergency fire protection, non-emergency service calls, paramedic services, and inspection services. The Fire Department operates eight fire stations throughout the City.
- **Police Services.** The City of Newport Beach Police Department serves the project site. Crimes reported within the project area are generally larceny and burglary.
- **School Services.** The public school district serving the project site is the Newport-Mesa Unified School District, which operates four elementary schools, one intermediate school, and one high school.
- **Park Services.** Currently, the City owns and maintains 309 acres of parkland.

#### **Environmental Checklist Responses**

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

- i) *Fire protection?*
- ii) *Police protection?*
- v) *Other public facilities?*

**Potentially Significant Impact (i, ii and v).** The proposed project will replace and enhance the existing onsite recreational facilities (Balboa Community Center/Girl Scouts House, tennis courts, children's play area). The project will lessen intensification on the site which may result in a decreasing demand for police and fire services. If traffic increases in the area, it is likely there will be an increase in traffic related accidents and emergencies, which will require the response of the police and/or the fire department. However, a decrease in development may result in a decrease in theft, burglaries, and other such crimes that require police services. Potential impacts on public services will be further addressed in the EIR and, as applicable, mitigation measures will be recommended.

iii) *Schools?*

iv) *Parks?*

**No Impact (iii and iv).** The project includes no permanent housing and will not result in population increase in the area that would create a demand for additional schools or parks. In addition, the proposed project includes a park with public facilities, therefore, the project would increase the amount of park acreage on the project site.

## XIV. RECREATION

### Existing Conditions

Presently, the City owns and maintains 309 acres of parkland, in addition to community centers, school recreation land, gymnasiums, senior centers, and picnic areas. Las Arenas Park, which includes the Balboa Community Center/Girl Scouts House, public tennis courts, and a children's play area is located onsite.

### Environmental Checklist Responses

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

**No Impact.** The proposed project will not result in a resident population increase in the project area and is intended to be a recreational facility; thus it will not result in an increased demand for recreational services and no mitigation measures will be required

- b) *Does the project include recreational facilities or require the construction of or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

**Less Than Significant Impact.** The proposed project will include new and expanded versions of all of the existing recreation facilities now found within the existing site. This includes an expanded beach area and facilities, the Girl Scout House, play areas and open grass areas. Also included is a public short-term visiting vessel marina, a public dock and public Sailing Center, and improved public launch areas. Furthermore, the proposed project will include the new Balboa Center that provides space for the Sailing Center boats, class rooms for boating and other related programs. Environmental impacts associated with the development of these new recreational facilities, such as hydrology, traffic, etc., will be addressed within the EIR. If appropriate, mitigation measures will be recommended.



## XV. TRANSPORTATION AND CIRCULATION

### Existing Conditions

Upper and lower Newport Bay divides the City and creates barriers which result in lengthy circuitous vehicular traffic movements. The proposed project is located on the Balboa Peninsula. The site is bordered by West Balboa Boulevard to the south, 18<sup>th</sup> and 19<sup>th</sup> Street to the West and 15<sup>th</sup> Street to the East. Access to the site is currently provided from West Balboa Boulevard.

### Environmental Checklist Responses

- a) *Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?*

**Potentially Significant Impact.** Existing traffic generated by the project site is primarily attributed to the mobile home park; however, since only twenty-seven percent of the tenants are full time residents of the park, traffic generation fluctuates seasonally. Therefore, implementation of the proposed project may increase the existing traffic load on nearby roadways. A traffic and parking study will be prepared for the project that will involve an estimation of the net new trips generated by the project considering a credit will be applied for the existing uses and the relocation of the mobile homes. Also, a detailed Traffic Impact Analysis (TIA) will be prepared as part of the EIR to evaluate the effects on the local street network and the ability of the roadway system to accommodate traffic generated by the proposed project. This study will conform to City Charter Section 423 and the Traffic Phasing Ordinance (TPO) analysis procedures specified by the City and be summarized in the EIR.

- b) *Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*

**Potentially Significant Impact.** Implementation of the proposed project may result in an increase in traffic and has potential to exceed the level of service standards for the project area's circulation system. A traffic and parking study will be prepared for the project that will involve an estimation of the net new trips generated by the project considering a credit will be applied for the existing uses and the relocation of the mobile homes. Potential traffic impacts will be evaluated in the EIR.

- c) *Result in a change of air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

**No Impact.** Due to the nature of the proposed project, there will be no impacts to air traffic patterns that causes an increase in air traffic levels or a change in location that will result in substantial safety risks. Therefore, there would be no air traffic impacts associated with the project.

- d) *Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersection) or incompatible uses (farm equipment)?*

**No Impact.** Primary access to the project site will be via West Balboa Boulevard at 17<sup>th</sup> street. Controlled secondary access will be provided via 15<sup>th</sup> Street. The project will not result in the construction of new roadways or the alteration of the existing off-site circulation system. It is not anticipated that traffic hazards will occur as a result of project implementation.

- e) *Result in inadequate emergency access?*

**No Impact.** The proposed project will not alter emergency access to surrounding uses and onsite emergency access will be provided via the onsite circulation system. The onsite circulation system has been designed to accommodate emergency vehicles (i.e., turning radii, etc). Therefore, the proposed project will result in no impacts related to emergency access.

- f) *Result in inadequate parking capacity?*

**No Impact.** The proposed project will result in the construction of an approximately 97 space parking lot immediately adjacent to the Balboa/Sailing Center and a smaller lot providing 26 spaces to the east. An additional parking lot is provided on the west side of the park adjacent to 18<sup>th</sup> Street which provides 24 spaces and will serve the Girl Scout House, the play areas, and the park in general. Parking will be evaluated in the EIR as well as an evaluation of the use of the parking facilities by non-users. A means to control any such “poaching” into the park’s parking facilities will be developed.

- g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

**No Impact.** No conflicts with any adopted alternative transportation policies, plans or programs are anticipated. Therefore, no impacts would result from project implementation and no mitigation measures are required.

## XVI. UTILITIES AND SERVICE SYSTEMS

### Existing Conditions

The existing development requires electrical, natural gas, water, wastewater, solid waste, and communication services.

- Electrical and natural gas services within the project site and surrounding area are provided by SCE and The Gas Company, both of which have various transmission and distribution systems located throughout the project area.
- Water services are provided by both the City of Newport Beach, which maintains the storm drain systems within the project area and the Irvine Ranch Water District, which provides water supply and wastewater services to the site.

- Solid Waste collection services within the project area are provided by the City of Newport Beach (Barrel service for residents and businesses) or private collection companies. Solid waste collected within the City is disposed of at the Frank R. Bowerman Canyon Landfill, located on Sand Canyon Road in the City of Irvine and operated by the County of Orange.
- SBC Communications and Cox Cable provide telephone and cable service to the project site, respectively.

## Environmental Checklist Responses

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*
- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*
- e) *Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments*
- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*
- g) *Comply with federal, state, and local statutes and regulations related to solid waste?*
- h) *Would the project include a new or retrofitted stormwater treatment control Best Management Practice (BMP), (e.g., water quality treatment basin, constructed treatment wetland), the operation of which could result in significant environmental effects (e.g., increased vectors and odors)?*

**Potentially Significant Impact (a - h).** The proposed public facilities may result in increasing the demand placed upon utility and service systems, especially the Balboa/Sailing Center. The proposed project may require additional extensions and hookups to existing infrastructure. It is anticipated that water, sewer, electric, natural gas, and solid waste services will be needed to serve the project. Potential utility and service systems impacts will be further evaluated in the EIR.

## XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Potentially Significant Impact.** The project could potentially result in significant impacts to biological and cultural resources. These issues are considered potentially significant and will be further evaluated in the EIR.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

**Potentially Significant Impact.** The project site is located in a highly developed urban environment and is considered an in-fill parcel. An assessment of cumulative impacts including other current and probable future projects will be included in the EIR, as required by CEQA.

- c) *Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

**Potentially Significant Impact.** Increases in traffic and air pollutant emissions may have effects on persons within the vicinity of the project site. The EIR will assess the level of these effects generated by the proposed project as it relates to any features that would directly or indirectly expose human beings to adverse effects.

## **SECTION 4 REFERENCES**

The following enumerated documents are available at the offices of the City of Newport Beach, Planning Department, 3300 Newport Boulevard, Newport Beach, California 92660.

1. Final Program EIR - City of Newport Beach General Plan.
2. General Plan, including all its elements, City of Newport Beach.
3. Final EIR - Marina Park Resort and Community Plan, 2004.
4. Title 20, Zoning Code of the Newport Beach Municipal Code.
5. City Excavation and Grading Code, Newport Beach Municipal Code.
6. Chapter 10.28, Community Noise Ordinance of the Newport Beach Municipal Code.
7. South Coast Air Quality Management District, Air Quality Management Plan, 1997.
8. South Coast Air Quality Management District, Air Quality Management Plan EIR, 1997.
9. Coastal Land Use Plan, City of Newport Beach



## **A.2 - COMMENT LETTERS**

**DEPARTMENT OF TRANSPORTATION**

District 12  
3337 Michelson Drive, Suite 380  
Irvine, CA 92612-8894  
Tel: (949) 724-2267  
Fax: (949) 724-2592

RECEIVED BY  
PLANNING DEPARTMENT

JUN 17 2003



*Flex your power!  
Be energy efficient!*

**CITY OF NEWPORT BEACH**

**June 11, 2008**

Ms. Rosalinh Ung  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, California 92658

File: IGR/CEQA  
SCH#: 2008051096  
Log #: 2071  
PCH

**Subject: Marina Park**

Dear Ms. Ung,

Thank you for the opportunity to review and comment on the **Notice of Preparation for the Marina Park Draft Environmental Impact Report**. The proposed project consists of a public park and beach, a public short-term visiting vessel marina, improved parking lots, tennis courts, half court basketball courts, the Neva Thomas Girl Scout House, and the Balboa/Sailing center which includes a restaurant, support offices, and classrooms. The project site is located along north side West Balboa Boulevard to Newport Bay between 15<sup>th</sup> Street and 18<sup>th</sup>/19<sup>th</sup> Streets. The nearest State route to the project site is Pacific Coast Highway (PCH).

**The Department of Transportation (Department) is a commenting agency on this project and has no comment at this time.** However, in the event of any activity in Caltrans' right-of-way, an encroachment permit will be required.

Please continue to keep us informed of this project and any future developments, which could potentially, impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molavi at (949) 724-2267.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Chamberlain".

Ryan Chamberlain, Branch Chief  
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research



**June 11, 2008**

Ms. Rosalinh Ung  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, California 92658

File: IGR/CEQA  
SCH#: 2008051096  
Log #: 2071  
PCH

**Subject: Marina Park**

C: Gale McIntyre, Deputy District Director



1919 S. State College Blvd.  
Anaheim, CA 92806-6114



RECEIVED BY  
PLANNING DEPARTMENT

May 23, 2008

MAY 28 2008

City of Newport Beach  
Planning Department  
3300 Newport Blvd  
P.O. Box 1768  
Newport Beach, CA 92658-8915

CITY OF NEWPORT BEACH

Attention: Rosalinh Ung

**Subject: Notice of Preparation of an Environmental Impact Report for Marina Park.**

Thank you for providing the opportunity to respond to your preparation of an E.I.R. (Environmental Impact Report) Request. We are pleased to inform you that Southern California Gas Company has facilities in portions of the area where the aforementioned project is proposed. In areas where we do not have facilities, when the area is served by our facilities, the service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made. Gas service to some of the project area can be provided from an existing gas main located in various locations. The service also will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2200 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose Padilla".

Jose Padilla  
Technical Services Supervisor  
Pacific Coast Region - Anaheim

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
[www.nahc.ca.gov](http://www.nahc.ca.gov)  
[ds\\_nahc@pacbell.net](mailto:ds_nahc@pacbell.net)



RECEIVED BY  
PLANNING DEPARTMENT

June 2, 2008

JUN 06 2008

**CITY OF NEWPORT BEACH**

Ms. Rosalinh Ung

**CITY OF NEWPORT BEACH**

3300 Newport Boulevard  
Newport Beach, CA 92663

Re: SCH# 2008051096; CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for the Marina Park Project, City of Newport Beach, Orange County, California

Dear Ms. Ung:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state agency designated for the protection of California's Native American cultural resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per the California Code of Regulations § 15064.5(b)(c) (CEQA Guidelines). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE),' and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the 'Information Center' nearest you is available from the State Office of Historic Preservation in Sacramento (916/653-7278). The record search will determine:
  - If a part or the entire (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
  - \* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF.
  - Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact. In many cases a culturally-affiliated Native American tribe or person will be the only source of information about the existence of a cultural resource.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f) of the California Code of Regulations (CEQA Guidelines). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

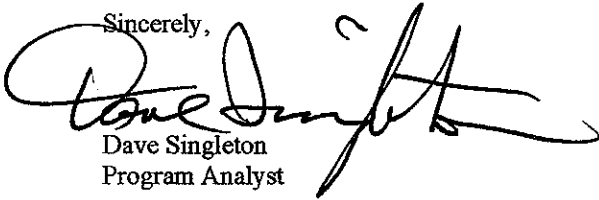
√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigations plans.

- CEQA Guidelines §15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American groups, identified by the NAHE, to ensure the appropriate and dignified treatment of Native American human remains and any associated grave goods.
- Health and Safety Code §7050.5, Public Resources Code §5097.98 and CEQA Guidelines §15064.5(d) mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in CEQA Guidelines §15370 when significant cultural resources are discovered during the course of project planning or execution.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", written over the printed name.

Dave Singleton  
Program Analyst

Attachment: Native American Contact List

Cc: State Clearinghouse

## **Native American Contacts**

**Orange County**

**June 2, 2008**

### **Ti'At Society**

**Cindi Alvitre**

**6515 E. Seaside Walk, #C  
Long Beach , CA 90803**

**calvitre@yahoo.com**

**(714) 504-2468 Cell**

**Gabrielino**

**Gabrielino/Tongva Council / Gabrielino Tongva Nation**

**Sam Dunlap, Tribal Secretary**

**761 Terminal Street; Bldg 1, 2nd floor  
Los Angeles , CA 90021**

**office @tongvatribes.net**

**(213) 489-5001 - Office**

**(909) 262-9351 - cell**

**(213) 489-5002 Fax**

**Juaneno Band of Mission Indians Acjachemen Nation**

**David Belardes, Chairperson**

**31742 Via Belardes**

**San Juan Capistrano , CA 92675**

**DavidBelardes@hotmail.com**

**(949) 493-0959**

**(949) 493-1601 Fax**

**Juaneno**

**Juaneno Band of Mission Indians Acjachemen Nation**

**Anthony Rivera, Chairman**

**31411-A La Matanza Street**

**San Juan Capistrano , CA 92675-2674**

**arivera@juaneno.com**

**949-488-3484**

**949-488-3294 Fax**

### **Tongva Ancestral Territorial Tribal Nation**

**John Tommy Rosas, Tribal Admin.**

**tattnlaw@gmail.com**

**310-570-6567**

**Gabrielino Tongva**

**Gabrielino Tongva Indians of California Tribal Council**

**Robert Dorame, Tribal Chair/Cultural Resources**

**5450 Slauson, Ave, Suite 151 PMB  
Culver City , CA 90230**

**gtongva@verizon.net**

**562-761-6417 - voice**

**562-925-7989 - fax**

### **Gabrielino/Tongva San Gabriel Band of Mission**

**Anthony Morales, Chairperson**

**PO Box 693**

**San Gabriel , CA 91778**

**ChiefRBwife@aol.com**

**(626) 286-1632**

**(626) 286-1758 - Home**

**(626) 286-1262 Fax**

**Gabrielino Tongva**

**Juaneno Band of Mission Indians Acjachemen Nation**

**Joyce Perry , Tribal Manager & Cultural Resources**

**31742 Via Belardes**

**San Juan Capistrano , CA 92675**

**kaamalam@cox.net**

**(949) 493-0959**

**(949) 293-8522 Cell**

**(949) 493-1601 Fax**

**Juaneno**

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008051096; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Marina Park Project; City of Newport Beach; Orange County, California.**

## **Native American Contacts**

**Orange County**

**June 2, 2008**

Juaneno Band of Mission Indians  
Alfred Cruz, Culural Resources Coordinator  
P.O. Box 25628                      Juaneno  
Santa Ana           , CA 92799  
alfredgcruz@sbcglobal.net  
714-998-0721  
slfredgcruz@sbcglobal.net

Juaneno Band of Mission Indians  
Joe Ocampo, Chairperson  
1108 E. 4th Street                      Juaneno  
Santa Ana           , CA 92701  
(714) 547-9676  
(714) 623-0709-cell

Juaneno Band of Mission Indians  
Adolph "Bud" Sepulveda, Chairperson  
P.O. Box 25828                      Juaneno  
Santa Ana           , CA 92799  
bssepul@yahoo.net  
714-838-3270  
714-914-1812 - CELL  
bsepul@yahoo.net

Sonia Johnston, Tribal Vice Chairperson  
Juanefio Band of Mission Indians  
P.O. Box 25628                      Juaneno  
Santa Ana           , CA 92799  
sonia.johnston@sbcglobal.net  
(714) 323-8312

Juaneno Band of Mission Indians  
Anita Espinoza  
1740 Concerto Drive                      Juaneno  
Anaheim           , CA 92807  
(714) 779-8832

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the propose SCH#2008051096; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Marina Park PProject; City of Newport Beach; Orange County, California.**



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

RECEIVED BY  
PLANNING DEPARTMENT  
May 30, 2008

JUN 13 2008

CITY OF NEWPORT BEACH

Ms. Rosalinda Ung, Associate Planner  
Planning Department  
Community and Economic Development  
3300 Newport Boulevard  
P.O. Box 1768  
Newport Beach, CA 92658

Dear Ms. Ung:

## **Notice of Preparation of a Draft Environmental Impact Report (Draft EIR) for the Marina Park Project**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft environmental impact report (EIR). Please send the SCAQMD a copy of the Draft EIR upon its completion. **In addition, please send with the draft EIR all appendices or technical documents related to the air quality analysis and electronic versions of all air quality modeling and health risk assessment files. Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.**

### **Air Quality Analysis**

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, the lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2007 Model. This model is available on the SCAQMD Website at: [www.urbemis.com](http://www.urbemis.com).

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM<sub>2.5</sub> emissions from construction and operational activities and processes. In connection with developing PM<sub>2.5</sub> calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM<sub>2.5</sub> emissions and compare the results to the recommended PM<sub>2.5</sub> significance thresholds. Guidance for calculating PM<sub>2.5</sub> emissions and PM<sub>2.5</sub> significance thresholds can be found at the following internet address:  
[http://www.aqmd.gov/ceqa/handbook/PM2\\_5/PM2\\_5.html](http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.html).

*Cleaning the air that we breathe*

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>.

It is recommended that lead agencies for projects generating or attracting vehicular trips, especially heavy-duty diesel-fueled vehicles, perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: [http://www.aqmd.gov/ceqa/handbook/mobile\\_toxic/mobile\\_toxic.html](http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html). An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

#### **Mitigation Measures**

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: [www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html) Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: <http://www.aqmd.gov/prdas/aqguide/aqguide.html>. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: <http://www.arb.ca.gov/ch/handbook.pdf>. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

#### **Data Sources**

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (<http://www.aqmd.gov>).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Gordon Mize, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3302 if you have any questions regarding this letter.

Sincerely,



Steve Smith, Ph.D.

Program Supervisor, CEQA Section

Planning, Rule Development and Area Sources

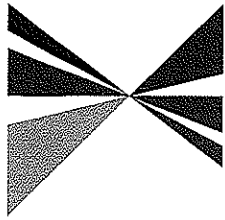
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Control Number



SOUTHERN CALIFORNIA



**ASSOCIATION of  
GOVERNMENTS**

**Main Office**

818 West Seventh Street  
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PLANNING DEPARTMENT

JUN 13 2008

CITY OF NEWPORT BEACH

June 12, 2008

Ms. Rosalinh Ung, Associate Planner  
Planning Department, Community and Economic Dev.  
City of Newport Beach  
3300 Newport Boulevard, P. O. Box 1768  
Newport Beach, CA 92658-8915

**RE: SCAG Clearinghouse No. I 20080296 Marina Park**

Dear Ms. Ung:

Thank you for submitting the **Marina Park** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Marina Park**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

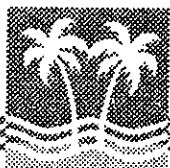
A description of the proposed Project was published in SCAG's **May 1-31, 2008** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1857. Thank you.

Sincerely,

LAVERNE JONES, Planning Technician  
Environmental Planning Division

# Central Newport Beach



# Community Association

P.O. Box 884 • Newport Beach, California 92661

June 19, 2008

Rosalinh Ung, Associate Planner  
Planning Department, Community Development Department  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92663

RE: NOP Marina Park

Dear Ms. Ung:

The Directors of the Central Newport Beach Community Association offer the following comments in response to the Notice of Preparation and Initial Study for the Marina Park project:

- First, and foremost, we are very enthusiastic about the creation of Marina Park and are grateful to the City Council for its actions to implement it.
- Please refer to the Balboa Community Center and the Sailing Center separately. Currently they are referred to as the Balboa/Sailing Center. They are two distinct facilities with differing uses and require separate analysis. The building for servicing the marina also should be analyzed as a separate facility.
- Impact on recreation was considered as non-significant in the initial study. The creation of Marina Park will increase recreation demand by both local residents and regional visitors who will want to use these State tidelands for the beach, boating opportunities, park amenities and Community Center classes. There will be impact on boating in that section of the bay due to the increase in boat traffic from the sailing center, marina and hand-launch area. This boat traffic may need to be managed. Use of the ocean beach between 15<sup>th</sup> and 19<sup>th</sup> Streets also could be impacted by lack of parking due to overflow parking demand by Park users. Public Safety analysis should also examine adequacy of lifeguard services on the bay beach which, to date, has been little known and hidden from public view. There will now be an unfenced tot lot next to a waterway.
- Careful attention to traffic circulation should be paid. Even if there is no increase in traffic, depending on how the traffic analysis is conducted, the current residents of the mobile home park know where they are going. Marina Park users will often not know how to access the facility or beach visitors will see the parking, try

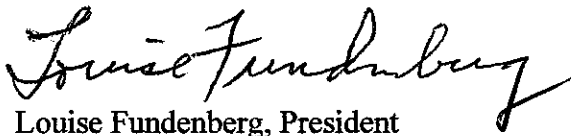
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JUN 20 2008  
CITY OF NEWPORT BEACH

to access it, find that it is restricted and have to return to the street or make a u-turn to continue east to find parking. This is the type of chaos that the residents need to have analyzed to make traffic circulation as painless as possible. There will also be impact due to the creation of demand for a left-turn at 17<sup>th</sup> Street where little or no demand currently exists. This will create impact to both west and east-bound Balboa Boulevard traffic and will adversely impact residents on that section of boulevard. The Public Safety section should also address the impact of this circulation and congestion on the movement of police, fire, paramedic and lifeguard vehicles servicing the Peninsula easterly of the facility.

- Parking analysis should also include access for park and beach users, not just for users of the buildings. Increased parking demand for the hand launch area should be included. While we recognize that there can never be enough parking during the summer, all sources of demand should be included in the analysis.
- Any landside demands placed by public dock users should be addressed and mitigated.
- The impact and mitigation of potential at-dock maintenance and repair of boats in the marina should be addressed. Mitigation measures should be incorporated to ensure recreation use of the marina and public dock to avoid their use by commercial interests for charters, temporary boat sales storage and/or outfitting and delivery.
- Project Alternatives should include less intense development of the site.

Thank you for the opportunity to comment. We want to maximize the success of Marina Park by attempting to anticipate problems and mitigate them before construction rather than trying to retrofit remediation. While the highest impact on residents from change in Central Newport is summer, that period is 25% of our lives!

Very truly yours,

A handwritten signature in cursive script, reading "Louise Fundenberg". The signature is written in black ink and is positioned above the printed name.

Louise Fundenberg, President